

MESSAGE NO: 2302201 MESSAGE DATE: 10/29/2002

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-831

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 11/01/2000 TO 10/31/2001

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTIONS FOR RESCINDED NEW SHIPPER REVIEW OF
GARLIC FROM CHINA (A-570-831)

MESSAGE NO: 2302201

DATE: 10 29 2002

CATEGORY: ADA

TYPE: LIQ

REFERENCE:

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CASES: A - 570 - 831

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PERIOD COVERED: 11 01 2000 TO 10 31 2001

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR RESCINDED NEW SHIPPER
REVIEW OF GARLIC FROM CHINA (A-570-831)

1. ON JANUARY 7, 2002, COMMERCE INITIATED A NEW SHIPPER REVIEW OF THE ANTIDUMPING DUTY ORDER ON FRESH GARLIC FROM THE PEOPLE'S REPUBLIC OF CHINA (PRC) (A-570-831) FOR SHANDONG HEZE INTERNATIONAL TRADE AND DEVELOPING COMPANY (SHANDONG HEZE) AND THE PERIOD 11/01/2000 THROUGH 10/31/2001 (67 FR 715).

2. WHEN IT INITIATED THIS NEW SHIPPER REVIEW, COMMERCE ASSIGNED SHANDONG HEZE ITS OWN CASE NUMBER IN THE AD/CVD MODULE,

SPECIFICALLY, A-570-831-004. ON 10/28/2002, COMMERCE RESCINDED THE NEW SHIPPER REVIEW FOR SHANDONG HEZE (67 FR 65783). BECAUSE IT RESCINDED THE NEW SHIPPER REVIEW, COMMERCE DID NOT CALCULATE A FINAL COMPANY-SPECIFIC CASH DEPOSIT RATE FOR SHANDONG HEZE. THEREFORE, FOR SHIPMENTS OF FRESH GARLIC FROM THE PRC EXPORTED OR

PRODUCED BY SHANDONG HEZE AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 10/28/2002, THE CASH DEPOSIT RATE FOR SHANDONG HEZE CONTINUES TO BE THE PRC-WIDE RATE. THIS RATE IS CURRENTLY 376.67 PERCENT. FURTHER, EFFECTIVE 10/28/2002, IMPORTERS MAY NO LONGER POST A BOND OR OTHER SECURITY IN LIEU OF A CASH DEPOSIT ON IMPORTS OF FRESH GARLIC FROM SHANDONG HEZE.

3. IN ACCORDANCE WITH 19 CFR 351.212(c), FOR SHIPMENTS OF FRESH GARLIC FROM THE PRC EXPORTED (AS INDICATED ON THE COMMERCIAL INVOICE OR CUSTOMS DOCUMENTATION) BY SHANDONG HEZE AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD

NOVEMBER 1, 2000, THROUGH OCTOBER 31, 2001, YOU ARE TO ASSESS ANTIDUMPING DUTIES AT THE CASH DEPOSIT OR BONDING RATE REQUIRED AT TIME OF ENTRY.

4. THESE INSTRUCTIONS CONSTITUTE THE IMMEDIATE LIFTING OF SUSPENSION OF LIQUIDATION OF FRESH GARLIC FROM THE PRC EXPORTED BY SHANDONG HEZE AND ENTERED DURING THE PERIOD NOVEMBER 1, 2000, THROUGH OCTOBER 31, 2001.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE CUSTOMS SERVICE ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CUSTOMS PAY INTEREST ON OVERPAYMENTS AND ASSESS INTEREST ON UNDERPAYMENTS OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE OF PAYMENT OF ESTIMATED ANTIDUMPING DUTIES THROUGH THE DATE OF LIQUIDATION.

THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. WHENEVER THE USE OF THE ABOVE INSTRUCTIONS RESULTS IN THE ASSESSMENT OF ANTIDUMPING DUTIES, YOU SHOULD REQUIRE OF THE IMPORTER PRIOR TO LIQUIDATION THE REIMBURSEMENT STATEMENT DESCRIBED IN 19 CFR 351.402(f)(2). IMPORTERS WERE ADVISED OF THIS REQUIREMENT WHEN THE NOTICE OF RESCISSION WAS PUBLISHED IN THE FEDERAL REGISTER. IF THE IMPORTER HAS BEEN REIMBURSED ANTIDUMPING DUTIES, CUSTOMS SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT RESPOND TO YOUR FORMAL REQUEST (VIA CF 28 OR 29) FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CUSTOMS SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND INTERESTED PARTIES SHOULD CONTACT BRIAN ELLMAN AT 202-482-4852, AD/CVD ENFORCEMENT 3, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE.

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party